

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Case No.: 1:21-cv-00309-CCE-JLW

NOVANT HEALTH, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>REPORT OF THE PARTIES'</b>
	)	<b>PLANNING MEETING</b>
AMERICAN GUARANTEE AND	)	<b>Fed. R. Civ. P. 26(f)</b>
LIABILITY INSURANCE COMPANY,	)	
	)	
Defendant.	)	
_____	)	

**Joint Rule 26(f) Report**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR16.1(b), a meeting was held telephonically on November 3, 2021 and was attended by: Syed S. Ahmad, Esq. and Casey L. Coffey, Esq., representing the Plaintiff; and Anthony Morris, Esq., William A. Bulfer, Esq., and Daniel T. Strong, Esq., representing the Defendant.
2. Discovery Plan. The parties propose to the Court the following discovery plan:
  - a. The “commencement date” of discovery will be upon entry of this Order;
  - b. Discovery will be needed on these subjects:
    - (1) The allegations in the Complaint;
    - (2) Any issues relevant to defenses pled in any of the Defendant’s Answers;
    - (3) Plaintiff’s claimed damages; and
    - (4) All other issues raised by any pleading filed in this action.

- b. Discovery shall be placed on a case-management track established in LR 26.1.
  - (1) The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as Complex.
- c. All discovery in this case shall be commenced in time to be completed by September 23, 2022.
- d. Stipulated modifications to the case management track include:
  - (1) Dates for designating experts and exchanging reports of expert witnesses.
    - i. From Plaintiff by April 1, 2022, with Plaintiff's rebuttal experts due by July 22, 2022;
    - ii. From Defendants by June 3, 2022; and
    - iii. Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.
    - iv. At the time any Party makes an expert disclosure, it shall provide at least three (3) potential dates on which the expert is available for deposition before the close of discovery.
- 3. Mediation. Mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Wayne Huckel.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree that depositions will take place during the last four months of discovery. The parties will update this schedule at reasonable intervals.
5. Other Items:
  - a. The parties do not require a scheduling conference unless the Court so desires.
  - b. Amendment of Pleadings:
    - (1) Plaintiff(s) should be allowed until December 3, 2021, to request leave to join additional parties or amend pleadings.
    - (2) Defendant(s) should be allowed until December 3, 2021, to request leave to join additional parties or amend pleadings.
    - (3) A party shall have up to 21 days to respond to an amended pleading.
    - (4) After these dates, the Court will consider, inter alia, whether the granting of leave would delay trial.
  - c. The parties request a pretrial conference approximately 30 days before trial.
  - d. Trial of the action is expected to take approximately 7 trial days. A jury trial has been demanded.
  - e. The parties discussed whether the case will involve the possibility of confidential or sealed documents
    - (1) The case may involve confidential or sealed documents and the parties have separately filed a LR 5.5 Report.

Respectfully submitted this 12th day of November, 2021.

HUNTON ANDREWS KURTH LLP

/s/ Syed A. Ahmad

A. Todd Brown, Sr., N.C. State Bar No. 13806  
One South at The Plaza, Suite 3500  
101 South Tryon Street  
Charlotte, NC 28280  
Telephone: (704) 378-4727  
tbrown@huntonak.com

Syed S. Ahmad\*  
Latosha M. Ellis\*  
2200 pennsylvania Avenue, NW  
Washington, DC 20037-1701  
Telephone: (202) 955-1656  
sahmad@huntonak.com  
lellis@huntonak.com

Lawrence J. Bracken II\*  
Rachel E. Hudgins\*  
600 Peachtree Street, N.E., Suite 410  
Atlanta, GA 30308-2216  
Telephone: (404) 888-4035  
lbracken@huntonak.com  
rhudgins@huntonak.com

Casey L. Coffey\*  
333 SE 2<sup>nd</sup> Avenue, Suite 2400  
Miami, FL 33131  
Telephone: (305) 810-2500  
ccoffey@huntonak.com

Sima Kazmir\*  
200 Park Avenue  
New York, NY 10166  
Telephone: (212) 309-1112  
skazmir@huntonak.com

*\*By Special Appearance  
Attorneys for Novant Health, Inc.*

TEAGUE CAMPBELL DENNIS  
& GORHAM, LLP

/s/ William A. Bulfer

William A. Bulfer, N.C. State Bar No. 31424  
117 Cherry Sreet North  
Asheville, NC 27619  
Telephone: (919) 805-5017  
Facsimile: (919) 873-1814  
wbulfer@teaguecampbell.com

Daniel T. Strong, N.C. State Bar No. 49546  
4700 Falls of Neuse Road, Suite 450  
Raleigh, NC 27609  
Telephone: (919) 873-0166  
Facsimile: (919) 873-1814  
dstrong@teaguecampbell.com

*Attorneys for Defendant*